

App. No. 10/089,399  
Office Action Dated October 3, 2005

### REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1, 11, and 13-15 are hereby amended. Claims 3-5 and 17 are canceled without prejudice or disclaimer.

Amendments of claims 1 and 13 are supported by the subject matter of claims 3 and 17, respectively. The amendments of claims 1 and 13, reciting "...formed integrally in a cell", are supported by Figure 4. Claim 11 is amended to track with claim 1. Claims 14 and 15 are amended editorially.

Claims 13-17 and 20 were rejected as being indefinite. Claims 13-15 are amended to address the concerns of the Examiner. Regarding claims 14 and 15, the Examiner contends that the claims are unclear as they are apparatus claims reciting method steps. Applicants disagree with this view. Claims 14 and 15 further describe the properties of structural elements set forth in claim 13 from which they depend. Favorable reconsideration of claims 13-16 and 20 is requested.

Claims 1, 2, 9, 11-16, and 20 were rejected as being anticipated by Sugiyama JP (JP 11-166886). Claims 1 and 13 respectively include the subject matter of claims 3 and 17, which are not subjected to this rejection. Therefore, the rejection is rendered moot. Applicants are not conceding the correctness of the rejection as applied to the rejected claims.

Claims 1, 2, 9, 11-16, and 20 were rejected as being anticipated by Sugiyama '049 (US 6,122,049). Claims 1 and 13 respectively include the subject matter of claims 3 and 17, which are not subjected to this rejection. Therefore, the rejection is rendered moot. Applicants are not conceding the correctness of the rejection as applied to the rejected claims.

Claims 1-3, 6, 7, and 9 were rejected as being anticipated by Hrdina (US 3,520,517). Applicants traverse this rejection. Hrdina does not disclose a liquid homogenizing unit including a supply flow path, a discharge flow path, a first intermediate flow path and a second

App. No. 10/089,399  
Office Action Dated October 3, 2005

intermediate flow path that are formed integrally in a cell, as currently required by claim 1. Rather, Hrdina teaches a supply flow path (17) and a discharge flow path (18) that are needles, each provided separately from a cell (16). See Figure 4a. In contrast, the claimed integral flow paths and cell alleviate the need for a structure such as tubing to be provided separately from the cell. Favorable reconsideration of claims 1, 2, 6, 7, and 9 is requested.

Claims 13-17 and 20 were rejected as being unpatentable over Hrdina and further in view of Sugiyama JP or Sugiyama '049. Applicants traverse this rejection. As previously noted, Hrdina does not disclose a liquid homogenizing unit including a supply flow path, a discharge flow path, a first intermediate flow path and a second intermediate flow path that are formed integrally in a cell, as currently required by claim 1. Rather, Hrdina teaches a supply flow path (17) and a discharge flow path (18) that are needles, each provided separately from a cell (16). See Figure 4a.

Further, the combination of Hrdina and either Sugiyama JP or Sugiyama '049 does not provide a liquid homogenizing unit wherein the eddy current generating path extends in an intersecting direction relative to a measurement flow path and tapers from a supply flow path toward the measurement flow path for generating an eddy current inside the measurement flow path, as required by claim 13. Hrdina teaches a conventional tapering portion of a flow path (17) that is located in a space or path between a supply flow path (17) and a discharge flow path (18). The tapering portion taught by Hrdina projects into the space (see Figures 4a and 4b). Neither Sugiyama JP nor Sugiyama '049 remedy the deficiencies of Hrdina.

Favorable reconsideration of claims 13-16 and 20 is requested.

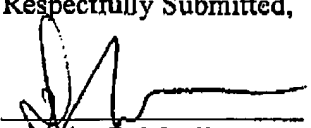
App. No. 10/089,399  
Office Action Dated October 3, 2005

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612)455-3804.

Respectfully Submitted,

Dated: March 1, 2006



  
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